

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1690

GREGORY CULBERTSON,

Plaintiff - Appellant,

versus

EATON SHORT TERM DISABILITY PLAN; EATON
CORPORATION,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Anderson. Terry L. Wooten, District Judge.
(CA-02-3018-8-25)

Submitted: November 22, 2004

Decided: December 13, 2004

Before WILKINSON, MOTZ, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert E. Hoskins, FOSTER LAW FIRM, L.L.P., Greenville, South
Carolina, for Appellant. Jeffrey D. Zimon, Sheila M. Ninneman,
BENESCH, FRIEDLANDER, COPLAN & ARONOFF, LLP, Cleveland, Ohio, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Gregory Culbertson appeals the district court's order denying his motion for attorney's fees and costs in his civil action seeking disability benefits from Appellees under the Employee Retirement Income Security Act of 1974, as amended. Culbertson sought fees and costs under 29 U.S.C. § 1132(g) (2000). We do not find that the district court abused its discretion in denying Culbertson's motion for fees and costs. See Martin v. Blue Cross & Blue Shield, Inc., 115 F.3d 1201, 1209 (4th Cir. 1997). Accordingly, we affirm on the reasoning of the district court. See Culbertson v. Eaton Short Term Disability Plan, No. CA-02-3018-8-25 (D.S.C. May 25, 2004). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED